

AMENDED IN ASSEMBLY AUGUST 21, 2013

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 3, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 755

Introduced by Senator Wolk

(Principal coauthor: Assembly Member Alejo)

(Coauthors: Senators De León, DeSaulnier, Hancock, and Yee)

February 22, 2013

An act to amend Section 29805 of the Penal Code, and to amend Section 8103 of the Welfare and Institutions Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 755, as amended, Wolk. Firearms: prohibited persons.

(1) Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not, within 10 years of the conviction, own, purchase, receive, possess, or have under his or her custody or control, any firearm. Under existing law, a violation of this prohibition is punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

This bill would add to the list of misdemeanors, the conviction for which is subject to those prohibitions, misdemeanor offenses of violating the above provisions as well as threatening a peace officer, removing a weapon from the person of a peace officer, hazing, transferring a firearm without completing the transaction through a licensed firearms

dealer, furnishing ammunition to a minor, possession of ammunition by a person prohibited from having a firearm, furnishing ammunition to a person prohibited from possessing ammunition, carrying ammunition onto school grounds, carrying a loaded or concealed weapon if the person has been previously convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, or if the firearm is not registered, participation in any criminal street gang, *and* a public offense committed for the benefit of a criminal street gang; ~~and disobedience to the terms of an injunction that restrains the activities of a criminal street gang.~~

The bill would also apply the above 10-year prohibition to a person who has been convicted of 2 or more specified misdemeanors, or 2 or more convictions of a single specified misdemeanor, in a 3-year period involving intoxication or possession of certain controlled substances for sale, ~~and~~ *and would make a violation punishable as an infraction. The bill would impose* a new 10-year prohibition to a person who commits another of those misdemeanors during the initial 10-year prohibition period, *and would make a violation punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine.* By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law prohibits certain specified individuals, including a person who has been adjudicated a danger to others as a result of a mental disorder or mental illness, a person who has been adjudicated a mentally disordered sex offender, a person who has been found not guilty by reason of insanity, or a person who has been placed under conservatorship by a court, among others, from possessing firearms or deadly weapons.

Existing law authorizes a court to order a person to obtain assisted outpatient treatment if certain criteria are met, including that the person is suffering from a mental illness and is unlikely to survive safely in the community without supervision.

This bill would prohibit a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment. The bill would require the court to notify the Department of Justice of the order prohibiting the person from possessing a firearm or other deadly weapon within 2 days of the order, and to notify the Department of Justice when the person is no longer subject to assisted

outpatient treatment. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

(3) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating reports to the Department of Justice as confidential in order to protect the privacy of individuals ordered to obtain assisted outpatient treatment.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that in order
2 to protect the privacy of individuals ordered to obtain assisted
3 outpatient treatment, it is necessary that reports made by a court
4 to the Department of Justice pursuant to Section 3 of this act be
5 confidential, except as provided in this act.
6 SEC. 2. Section 29805 of the Penal Code is amended to read:
7 29805. (a) Except as provided in Section 29855 or subdivision
8 (a) of Section 29800, any person who has been convicted of a
9 misdemeanor violation of this section, Section 69, 71, 76, 136.1,
10 136.5, or 140, subdivision (b) or (d) of Section 148, paragraph
11 ~~(10) of subdivision (a) of Section 166~~, Section 171b, paragraph
12 (1) of subdivision (a) of Section 171c, Section 171d, subdivision
13 (a) or (d) of Section 186.22, Section 186.28, 240, 241, 242, 243,
14 243.4, 244.5, 245, 245.5, 245.6, 246.3, 247, 273.5, 273.6, 417,
15 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former
16 Section 12100, as that section read at any time from when it was
17 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
18 when it was repealed by Section 18 of Chapter 23 of the Statutes
19 of 1994, Section 17500, 17510, 25300, 25800, 26500, 30300,

1 30305, 30306, 30310, 30315, or 32625, subdivision (b) or (d) of
2 Section 26100, or Section 27510, or Section 8100, 8101, or 8103
3 of the Welfare and Institutions Code, any firearm-related offense
4 pursuant to Sections 871.5 and 1001.5 of the Welfare and
5 Institutions Code, Section 25400 that is punishable pursuant to
6 paragraph (5) or (6) of subdivision (c) of Section 25400, Section
7 25850 that is punishable pursuant to paragraph (5) or (6) of
8 subdivision (c) of Section 25850, or of the conduct punished in
9 subdivision (c) of Section 27590, and who, within 10 years of the
10 conviction, owns, purchases, receives, or has in possession or under
11 custody or control, any firearm is guilty of a public offense, which
12 shall be punishable by imprisonment in a county jail not exceeding
13 one year or in the state prison, by a fine not exceeding one thousand
14 dollars (\$1,000), or by both that imprisonment and fine.

15 (b) Except as provided in Section 29855, any person who has
16 been convicted of misdemeanor violations of two or more of any
17 of the following offenses, or two or more misdemeanor violations
18 of any one of the following offenses, within a three-year period
19 and who, within 10 years of the second conviction, owns,
20 purchases, receives, or has in possession or under custody or
21 control, any firearm is guilty of ~~a public offense, which shall be~~
22 ~~punishable by imprisonment in a county jail not exceeding one~~
23 ~~year or in the state prison, by a fine not exceeding one thousand~~
24 ~~dollars (\$1,000), or by both that imprisonment and fine: an~~
25 *infraction.*

26 (1) Possession of a controlled substance with intent to sell in
27 violation of Section 11357.5 of the Health and Safety Code.

28 (2) Possession of a controlled substance with intent to sell in
29 violation of paragraph (1) of subdivision (b) of Section 11375 of
30 the Health and Safety Code.

31 (3) Possession of a controlled substance with intent to sell in
32 violation of Section 11379.2 of the Health and Safety Code.

33 (4) Section 11550 of the Health and Safety Code.

34 (5) Section 191.5.

35 (6) Subdivision (f) of Section 647.

36 (7) Section 23152 of the Vehicle Code.

37 (8) Section 23153 of the Vehicle Code.

38 (9) Section 23154 of the Vehicle Code.

39 (c) Except as provided in Section 29855, any person who is
40 prohibited pursuant to subdivision (b) from owning, purchasing,

1 receiving, or having in his or her custody or control any firearm,
2 who is subsequently convicted of a misdemeanor violation of any
3 offense specified in paragraphs (1) to (9), inclusive, of subdivision
4 (b) during the prohibitory period specified in subdivision (b), and
5 who, within 10 years of the subsequent conviction, owns,
6 purchases, receives, or has in possession or under custody or
7 control any firearm is guilty of a public offense, which shall be
8 punishable by imprisonment in a county jail not exceeding one
9 year or in the state prison, by a fine not exceeding one thousand
10 dollars (\$1,000), or by both that imprisonment and fine.

11 (d) The court, on forms prescribed by the Department of Justice,
12 shall notify the department of persons subject to this section.
13 However, the prohibition in this section may be reduced,
14 eliminated, or conditioned as provided in Section 29855 or 29860.

15 SEC. 3. Section 8103 of the Welfare and Institutions Code is
16 amended to read:

17 8103. (a) (1) No person who after October 1, 1955, has been
18 adjudicated by a court of any state to be a danger to others as a
19 result of a mental disorder or mental illness, or who has been
20 adjudicated to be a mentally disordered sex offender, shall purchase
21 or receive, or attempt to purchase or receive, or have in his or her
22 possession, custody, or control any firearm or any other deadly
23 weapon unless there has been issued to the person a certificate by
24 the court of adjudication upon release from treatment or at a later
25 date stating that the person may possess a firearm or any other
26 deadly weapon without endangering others, and the person has
27 not, subsequent to the issuance of the certificate, again been
28 adjudicated by a court to be a danger to others as a result of a
29 mental disorder or mental illness.

30 (2) The court shall immediately notify the Department of Justice
31 of the court order finding the individual to be a person described
32 in paragraph (1). The court shall also notify the Department of
33 Justice of any certificate issued as described in paragraph (1).

34 (b) (1) No person who has been found, pursuant to Section
35 1026 of the Penal Code or the law of any other state or the United
36 States, not guilty by reason of insanity of murder, mayhem, a
37 violation of Section 207, 209, or 209.5 of the Penal Code in which
38 the victim suffers intentionally inflicted great bodily injury,
39 carjacking or robbery in which the victim suffers great bodily
40 injury, a violation of Section 451 or 452 of the Penal Code

1 involving a trailer coach, as defined in Section 635 of the Vehicle
2 Code, or any dwelling house, a violation of paragraph (1) or (2)
3 of subdivision (a) of Section 262 or paragraph (2) or (3) of
4 subdivision (a) of Section 261 of the Penal Code, a violation of
5 Section 459 of the Penal Code in the first degree, assault with
6 intent to commit murder, a violation of Section 220 of the Penal
7 Code in which the victim suffers great bodily injury, a violation
8 of Section 18715, 18725, 18740, 18745, 18750, or 18755 of the
9 Penal Code, or of a felony involving death, great bodily injury, or
10 an act which poses a serious threat of bodily harm to another
11 person, or a violation of the law of any other state or the United
12 States that includes all the elements of any of the above felonies
13 as defined under California law, shall purchase or receive, or
14 attempt to purchase or receive, or have in his or her possession or
15 under his or her custody or control any firearm or any other deadly
16 weapon.

17 (2) The court shall immediately notify the Department of Justice
18 of the court order finding the person to be a person described in
19 paragraph (1).

20 (c) (1) No person who has been found, pursuant to Section 1026
21 of the Penal Code or the law of any other state or the United States,
22 not guilty by reason of insanity of any crime other than those
23 described in subdivision (b) shall purchase or receive, or attempt
24 to purchase or receive, or shall have in his or her possession,
25 custody, or control any firearm or any other deadly weapon unless
26 the court of commitment has found the person to have recovered
27 sanity, pursuant to Section 1026.2 of the Penal Code or the law of
28 any other state or the United States.

29 (2) The court shall immediately notify the Department of Justice
30 of the court order finding the person to be a person described in
31 paragraph (1). The court shall also notify the Department of Justice
32 when it finds that the person has recovered his or her sanity.

33 (d) (1) No person found by a court to be mentally incompetent
34 to stand trial, pursuant to Section 1370 or 1370.1 of the Penal Code
35 or the law of any other state or the United States, shall purchase
36 or receive, or attempt to purchase or receive, or shall have in his
37 or her possession, custody, or control, any firearm or any other
38 deadly weapon, unless there has been a finding with respect to the
39 person of restoration to competence to stand trial by the committing

1 court, pursuant to Section 1372 of the Penal Code or the law of
2 any other state or the United States.

3 (2) The court shall immediately notify the Department of Justice
4 of the court order finding the person to be mentally incompetent
5 as described in paragraph (1). The court shall also notify the
6 Department of Justice when it finds that the person has recovered
7 his or her competence.

8 (e) (1) No person who has been placed under conservatorship
9 by a court, pursuant to Section 5350 or the law of any other state
10 or the United States, because the person is gravely disabled as a
11 result of a mental disorder or impairment by chronic alcoholism,
12 shall purchase or receive, or attempt to purchase or receive, or
13 shall have in his or her possession, custody, or control, any firearm
14 or any other deadly weapon while under the conservatorship if, at
15 the time the conservatorship was ordered or thereafter, the court
16 which imposed the conservatorship found that possession of a
17 firearm or any other deadly weapon by the person would present
18 a danger to the safety of the person or to others. Upon placing any
19 person under conservatorship, and prohibiting firearm or any other
20 deadly weapon possession by the person, the court shall notify the
21 person of this prohibition.

22 (2) The court shall immediately notify the Department of Justice
23 of the court order placing the person under conservatorship and
24 prohibiting firearm or any other deadly weapon possession by the
25 person as described in paragraph (1). The notice shall include the
26 date the conservatorship was imposed and the date the
27 conservatorship is to be terminated. If the conservatorship is
28 subsequently terminated before the date listed in the notice to the
29 Department of Justice or the court subsequently finds that
30 possession of a firearm or any other deadly weapon by the person
31 would no longer present a danger to the safety of the person or
32 others, the court shall immediately notify the Department of Justice.

33 (3) All information provided to the Department of Justice
34 pursuant to paragraph (2) shall be kept confidential, separate, and
35 apart from all other records maintained by the Department of
36 Justice, and shall be used only to determine eligibility to purchase
37 or possess firearms or other deadly weapons. Any person who
38 knowingly furnishes that information for any other purpose is
39 guilty of a misdemeanor. All the information concerning any person
40 shall be destroyed upon receipt by the Department of Justice of

1 notice of the termination of conservatorship as to that person
2 pursuant to paragraph (2).

3 (f) (1) No person who has been (A) taken into custody as
4 provided in Section 5150 because that person is a danger to himself,
5 herself, or to others, (B) assessed within the meaning of Section
6 5151, and (C) admitted to a designated facility within the meaning
7 of Sections 5151 and 5152 because that person is a danger to
8 himself, herself, or others, shall own, possess, control, receive, or
9 purchase, or attempt to own, possess, control, receive, or purchase
10 any firearm for a period of five years after the person is released
11 from the facility. A person described in the preceding sentence,
12 however, may own, possess, control, receive, or purchase, or
13 attempt to own, possess, control, receive, or purchase any firearm
14 if the superior court has, pursuant to paragraph (5), found that the
15 people of the State of California have not met their burden pursuant
16 to paragraph (6).

17 (2) (A) For each person subject to this subdivision, the facility
18 shall immediately, on the date of admission, submit a report to the
19 Department of Justice, on a form prescribed by the Department of
20 Justice, containing information that includes, but is not limited to,
21 the identity of the person and the legal grounds upon which the
22 person was admitted to the facility.

23 Any report submitted pursuant to this paragraph shall be
24 confidential, except for purposes of the court proceedings described
25 in this subdivision and for determining the eligibility of the person
26 to own, possess, control, receive, or purchase a firearm.

27 (B) Commencing July 1, 2012, facilities shall submit reports
28 pursuant to this paragraph exclusively by electronic means, in a
29 manner prescribed by the Department of Justice.

30 (3) Prior to, or concurrent with, the discharge, the facility shall
31 inform a person subject to this subdivision that he or she is
32 prohibited from owning, possessing, controlling, receiving, or
33 purchasing any firearm for a period of five years. Simultaneously,
34 the facility shall inform the person that he or she may request a
35 hearing from a court, as provided in this subdivision, for an order
36 permitting the person to own, possess, control, receive, or purchase
37 a firearm. The facility shall provide the person with a form for a
38 request for a hearing. The Department of Justice shall prescribe
39 the form. Where the person requests a hearing at the time of
40 discharge, the facility shall forward the form to the superior court

1 unless the person states that he or she will submit the form to the
2 superior court.

3 (4) The Department of Justice shall provide the form upon
4 request to any person described in paragraph (1). The Department
5 of Justice shall also provide the form to the superior court in each
6 county. A person described in paragraph (1) may make a single
7 request for a hearing at any time during the five-year period. The
8 request for hearing shall be made on the form prescribed by the
9 department or in a document that includes equivalent language.

10 (5) Any person who is subject to paragraph (1) who has
11 requested a hearing from the superior court of his or her county
12 of residence for an order that he or she may own, possess, control,
13 receive, or purchase firearms shall be given a hearing. The clerk
14 of the court shall set a hearing date and notify the person, the
15 Department of Justice, and the district attorney. The people of the
16 State of California shall be the plaintiff in the proceeding and shall
17 be represented by the district attorney. Upon motion of the district
18 attorney, or on its own motion, the superior court may transfer the
19 hearing to the county in which the person resided at the time of
20 his or her detention, the county in which the person was detained,
21 or the county in which the person was evaluated or treated. Within
22 seven days after the request for a hearing, the Department of Justice
23 shall file copies of the reports described in this section with the
24 superior court. The reports shall be disclosed upon request to the
25 person and to the district attorney. The court shall set the hearing
26 within 30 days of receipt of the request for a hearing. Upon
27 showing good cause, the district attorney shall be entitled to a
28 continuance not to exceed 14 days after the district attorney was
29 notified of the hearing date by the clerk of the court. If additional
30 continuances are granted, the total length of time for continuances
31 shall not exceed 60 days. The district attorney may notify the
32 county mental health director of the hearing who shall provide
33 information about the detention of the person that may be relevant
34 to the court and shall file that information with the superior court.
35 That information shall be disclosed to the person and to the district
36 attorney. The court, upon motion of the person subject to paragraph
37 (1) establishing that confidential information is likely to be
38 discussed during the hearing that would cause harm to the person,
39 shall conduct the hearing in camera with only the relevant parties
40 present, unless the court finds that the public interest would be

1 better served by conducting the hearing in public. Notwithstanding
2 any other law, declarations, police reports, including criminal
3 history information, and any other material and relevant evidence
4 that is not excluded under Section 352 of the Evidence Code shall
5 be admissible at the hearing under this section.

6 (6) The people shall bear the burden of showing by a
7 preponderance of the evidence that the person would not be likely
8 to use firearms in a safe and lawful manner.

9 (7) If the court finds at the hearing set forth in paragraph (5)
10 that the people have not met their burden as set forth in paragraph
11 (6), the court shall order that the person shall not be subject to the
12 five-year prohibition in this section on the ownership, control,
13 receipt, possession, or purchase of firearms. A copy of the order
14 shall be submitted to the Department of Justice. Upon receipt of
15 the order, the Department of Justice shall delete any reference to
16 the prohibition against firearms from the person's state mental
17 health firearms prohibition system information.

18 (8) Where the district attorney declines or fails to go forward
19 in the hearing, the court shall order that the person shall not be
20 subject to the five-year prohibition required by this subdivision
21 on the ownership, control, receipt, possession, or purchase of
22 firearms. A copy of the order shall be submitted to the Department
23 of Justice. Upon receipt of the order, the Department of Justice
24 shall, within 15 days, delete any reference to the prohibition against
25 firearms from the person's state mental health firearms prohibition
26 system information.

27 (9) Nothing in this subdivision shall prohibit the use of reports
28 filed pursuant to this section to determine the eligibility of persons
29 to own, possess, control, receive, or purchase a firearm if the person
30 is the subject of a criminal investigation, a part of which involves
31 the ownership, possession, control, receipt, or purchase of a
32 firearm.

33 (g) (1) No person who has been certified for intensive treatment
34 under Section 5250, 5260, or 5270.15 shall own, possess, control,
35 receive, or purchase, or attempt to own, possess, control, receive,
36 or purchase, any firearm for a period of five years.

37 Any person who meets the criteria contained in subdivision (e)
38 or (f) who is released from intensive treatment shall nevertheless,
39 if applicable, remain subject to the prohibition contained in
40 subdivision (e) or (f).

1 (2) (A) For each person certified for intensive treatment under
2 paragraph (1), the facility shall immediately submit a report to the
3 Department of Justice, on a form prescribed by the department,
4 containing information regarding the person, including, but not
5 limited to, the legal identity of the person and the legal grounds
6 upon which the person was certified. Any report submitted pursuant
7 to this paragraph shall only be used for the purposes specified in
8 paragraph (2) of subdivision (f).

9 (B) Commencing July 1, 2012, facilities shall submit reports
10 pursuant to this paragraph exclusively by electronic means, in a
11 manner prescribed by the Department of Justice.

12 (3) Prior to, or concurrent with, the discharge of each person
13 certified for intensive treatment under paragraph (1), the facility
14 shall inform the person of that information specified in paragraph
15 (3) of subdivision (f).

16 (4) Any person who is subject to paragraph (1) may petition the
17 superior court of his or her county of residence for an order that
18 he or she may own, possess, control, receive, or purchase firearms.
19 At the time the petition is filed, the clerk of the court shall set a
20 hearing date and notify the person, the Department of Justice, and
21 the district attorney. The people of the State of California shall be
22 the respondent in the proceeding and shall be represented by the
23 district attorney. Upon motion of the district attorney, or on its
24 own motion, the superior court may transfer the petition to the
25 county in which the person resided at the time of his or her
26 detention, the county in which the person was detained, or the
27 county in which the person was evaluated or treated. Within seven
28 days after receiving notice of the petition, the Department of Justice
29 shall file copies of the reports described in this section with the
30 superior court. The reports shall be disclosed upon request to the
31 person and to the district attorney. The district attorney shall be
32 entitled to a continuance of the hearing to a date of not less than
33 14 days after the district attorney was notified of the hearing date
34 by the clerk of the court. The district attorney may notify the county
35 mental health director of the petition, and the county mental health
36 director shall provide information about the detention of the person
37 that may be relevant to the court and shall file that information
38 with the superior court. That information shall be disclosed to the
39 person and to the district attorney. The court, upon motion of the
40 person subject to paragraph (1) establishing that confidential

1 information is likely to be discussed during the hearing that would
2 cause harm to the person, shall conduct the hearing in camera with
3 only the relevant parties present, unless the court finds that the
4 public interest would be better served by conducting the hearing
5 in public. Notwithstanding any other provision of law, any
6 declaration, police reports, including criminal history information,
7 and any other material and relevant evidence that is not excluded
8 under Section 352 of the Evidence Code, shall be admissible at
9 the hearing under this section. If the court finds by a preponderance
10 of the evidence that the person would be likely to use firearms in
11 a safe and lawful manner, the court may order that the person may
12 own, control, receive, possess, or purchase firearms. A copy of
13 the order shall be submitted to the Department of Justice. Upon
14 receipt of the order, the Department of Justice shall delete any
15 reference to the prohibition against firearms from the person's
16 state mental health firearms prohibition system information.

17 (h) For all persons identified in subdivisions (f) and (g), facilities
18 shall report to the Department of Justice as specified in those
19 subdivisions, except facilities shall not report persons under
20 subdivision (g) if the same persons previously have been reported
21 under subdivision (f).

22 Additionally, all facilities shall report to the Department of
23 Justice upon the discharge of persons from whom reports have
24 been submitted pursuant to subdivision (f) or (g). However, a report
25 shall not be filed for persons who are discharged within 31 days
26 after the date of admission.

27 (i) (1) No person who has been ordered by a court to obtain
28 assisted outpatient treatment pursuant to Article 9 (commencing
29 with Section 5345) of Chapter 2 of Part 1 of Division 5 shall
30 purchase or receive, or attempt to purchase or receive, or shall
31 have in his or her possession, custody, or control, any firearm or
32 any other deadly weapon while subject to assisted outpatient
33 treatment. Upon placing any person under assisted outpatient
34 treatment, the court shall notify the person of this prohibition.

35 (2) The court shall notify the Department of Justice of the court
36 order placing the person in assisted outpatient treatment and
37 prohibiting firearm or any other deadly weapon possession by the
38 person described in paragraph (1) within two days of the order.
39 The court shall also notify the Department of Justice when the
40 person subject to paragraph (1) is no longer subject to assisted

1 outpatient treatment. Any report submitted pursuant to this
2 paragraph shall be confidential, except for purposes of the court
3 proceedings specified in this subdivision and for purposes of
4 determining the eligibility of the person to own, possess, control,
5 receive, or purchase a firearm.

6 (j) Every person who owns or possesses or has under his or her
7 custody or control, or purchases or receives, or attempts to purchase
8 or receive, any firearm or any other deadly weapon in violation of
9 this section shall be punished by imprisonment pursuant to
10 subdivision (h) of Section 1170 of the Penal Code or in a county
11 jail for not more than one year.

12 (k) “Deadly weapon,” as used in this section, has the meaning
13 prescribed by Section 8100.

14 SEC. 4. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.